

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

 **ORIGINAL**

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JINSOO NHO,

CIVIL ACTION NO.:

Plaintiff,

-against-

RUDY A. TREMINIO and
CITY WORLD MOTORS, LLC,

Defendants.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 16 2008
BROOKLYN OFFICE

08-4236
COMPLAINT

★ JURY TRIAL DEMANDED
PLATT, J.

LINDSAY, M.J.

S I R S:

Plaintiff, **JINSOO NHO**, by his attorney, YOHAN CHOI, ESQ., complaining of the above named defendant, respectfully alleges upon information and belief the following:

THE PARTIES

1. Plaintiff, **JINSOO NHO**, is a citizen and resident of South Korea as a foreign state, residing in the country of South Korea.
2. Defendant, **RUDY A. TREMINIO** (hereinafter "**TREMINIO**"), is a citizen and resident of the State of New York residing at 42 Commerce Blvd., the city of Amityville, the county of Suffolk, the state of New York.
3. Defendant, **CITY WORLD MOTORS, LLC** (hereinafter known as "**CWM**"), was and still is a New York corporation doing business in the State of New York with a principal place of business at 3333 Boston Road, the county of Bronx, the city and the state of New York.
7. Defendant, **TREMINIO**, is an individual who was an agent, servant and/or employee

of defendant, **CWM**.

JURISDICTION AND VENUE

8. This court has original jurisdiction over this action pursuant to 28 U.S.C. sec. 1332 in that jurisdiction is founded upon the diversity of citizenship between the parties to this action and the matter in controversy exceeds, exclusive of interest and costs, the sum of SEVENTY-FIVE THOUSAND (\$75,000) DOLLARS.

9. Venue is proper pursuant to 28 U.S.C. sec. 1391 (a).

AS AND FOR A CAUSE OF ACTION

10. That on or about the 20th day of August, 2008, plaintiff, **JINSOO NHO**, was the driver of a BUICK motor vehicle, registered in the State of New York, bearing a license plate number ACL7214 (hereinafter "BUICK " motor vehicle).

10. That on or about the 20th day of August, 2008, defendant **TREMINIO**, was the driver of a FORD motor vehicle, registered in the State of New York, bearing a license plate number 8125530 (hereinafter "FORD " motor vehicle).

11. That on or about the 20th day of August, 2008, defendant **CWM**, was the owner and the registrant of a FORD motor vehicle, registered in the State of New York, bearing a license plate number 8125530.

12. That on or about the 20th day of August, 2008, defendant, **CWM**, maintained, managed and controlled the FORD motor vehicle.

16. That on or about the 20th day of August, 2008, at approximately 2:10 a.m., the

defendant, **TREMINIO**, operated the aforesaid FORD motor vehicle with the permission, either express or implied, of **CWM**.

17. That on or about the 20th day of August, 2008, at approximately 2:10 a.m., defendant, **TREMINIO**, operated and controlled the aforesaid FORD within the scope and course of his employment with defendant, **CWM**.

18. That at all times herein mentioned, Eastbound Long Island Express highway near or at the Exit 41, in the Town of Oyster Bay, County of Nassau, and State of New York, were and still are public roadways, thoroughfares, sidewalks and walkways in common use by the residents of the State of New York and others (hereinafter known as the "collision site").

19. That on or about the 20th day of August, 2008, at approximately 2:10 a.m., Plaintiff, **JINSOO NHO**, operated aforesaid BUICK motor vehicle over and along the public roadway known as the collision site..

19. That on or about the 20th day of August, 2008, at approximately 2:10 a.m., defendant, **TREMINIO**, operated said FORD motor vehicle over and along the public roadways known as the collision site.

20. That on or about the 20th day of August, 2008, at approximately 2:10 a.m., the aforesaid FORD motor vehicle, at or near the aforesaid location, was being operated in a reckless, careless and negligent manner by defendant, **TREMINIO**.

21. That at the aforesaid time and place, the aforesaid FORD motor vehicle followed the aforesaid BUICK motor vehicle and then came into violent contact with the BUICK

23. That by reason of the foregoing, Plaintiff, **JINSOO NHO**, was injured.

24. That by reason of the foregoing, Plaintiff, **JINSOO NHO**, was seriously injured.

25. That the aforesaid occurrence and resulting injuries to Plaintiff, **JINSOO NHO**, were due to the carelessness, recklessness and negligence of the defendants.

26. That the aforesaid occurrence and resulting injuries to Plaintiff, **JINSOO NHO**, were due solely to the carelessness, recklessness and negligence of the defendants, without any fault or wrongdoing on the part of the Plaintiff contributing thereto.

27. That by reason of the foregoing, Plaintiff, **JINSOO NHO**, was caused to suffer grievous injuries including but not limited to hip fractures and permanent disfigurement on her legs, and was severely injured, damaged, rendered sick, sore, lame and disabled for more than ninety days, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are permanent in nature and duration; Plaintiff, **JINSOO NHO**, incurred and in the future will necessarily incur further hospital and/or surgical and medical expenses in an effort to be cured of said injuries and Plaintiff, **JINSOO NHO**, will be unable to pursue his usual duties with the same degree of efficiency as prior to this accident, all to Plaintiff's great damage.

28. That as a result of the foregoing, Plaintiff, **JINSOO NHO**, suffered serious injuries as defined in subdivision (d) of Section 5102 of the Insurance Law of the State of New York.

29. That by reason thereof, Plaintiff, **JINSOO NHO**, is entitled to recover for non-economic loss and for such economic losses, as are not included within the definition of "basic economic loss" as set forth in Section 5102(a) of the Insurance Law of the State of New York.

30. That Plaintiff, **JINSOO NHO**, was a "covered person" as defined by subdivision(j) of Section 5102 of the Insurance Law of the State of New York.

31. This action falls within one or more of the exceptions set forth in CPLR 1602.

32. That by reason of the foregoing, Plaintiff, **JINSOO NHO**, was damaged in the sum

of TWO MILLION (\$2,000,000.00) DOLLARS.

WHEREFORE, the Plaintiff, JINSOON NHO, demands judgment against Defendants, jointly and severally, on the causes of action herein as follows:

CAUSE OF ACTION.....\$10,000,000.00

with interest from the 20th day of August, 2008, together with costs and disbursements of this action.

DATED: New York, New York
October 7, 2008

YOHAN CHOI, ESQ.

By: 

Yohan Choi, Esq. [YC-1842]
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